

## **REMARKS**

### **Status**

Claims 16-30 are the claims pending in the above-referenced application. Claims 16-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Laumen et al. (US 7,053,604). In addition, claims 16-30 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 7,053,604.

### **Remarks Directed to Rejection of Claims 16-30 under 35 U.S.C. §102(e) as Being Anticipated by Laumen et al. (US 7,053,604)**

Laumen et al. (US 7,053,604) has a common inventor with the instant application. Therefore, the rejection of claims 16-30 under 35 U.S.C. §102(e) is overcome by the attached declaration under 37 CFR §1.132 by Hermann-Josef Laumen in which Mr. Laumen declares that the invention disclosed but not claimed in U.S. Patent No. 7,053,604 was derived by himself and is thus not the invention "by another". As such, Applicant requests that the rejection of claims 16-30 under 35 U.S.C. §102(e) be withdrawn.

### **Remarks Directed to Rejection of Claims 16-30 on the Ground of Nonstatutory Obviousness-Type Double Patenting**

Applicant submits a terminal disclaimer in compliance with 37 CFR §1.321(c) or §1.321(d) enclosed herewith to overcome the nonstatutory double patenting ground of rejection for claims 16-30. As such, Applicant requests this rejection to claims 16-30 be withdrawal.

### **Conclusion**

In view of the above remarks presented herein, Applicant respectfully submits that all claims are now in condition for allowance. Any questions, comments or suggestions the

Examiner may have which would place the application in still better condition for allowance should be directed to the undersigned attorney.

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Respectfully submitted,

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Enclosures